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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 BADRU KAKUNGULU,)
9 Petitioner,) Case No.3:11-cv-00276-RCJ-VPC
10 vs.)
11 JACK PALMER,) ORDER
12 Respondent.)

13 Petition Badru Kakungulu's application to proceed *in forma pauperis* was denied based upon the
14 financial information provided. Petitioner has paid the filing fee for this action. (ECF No. 6). The
15 petition shall now be filed and served on respondents.

16 Petitioner also moves for appointment of counsel (ECF No. 1-2). There currently exists
17 no absolute right to appointment of counsel in habeas proceedings. *Pennsylvania v. Finley*, 481 U.S.
18 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). However, Title 18 U.S.C.
19 § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so
20 require." *See*, Rule 8(c), Rules Governing Section 2254 Cases. In the instant case, the Court does not
21 find that the interests of justice would be served by the appointment of counsel at this time.

22 A petition for federal habeas corpus should include all claims for relief of which
23 petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred
24 from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If
25 petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon
26 as possible, perhaps by means of a motion to amend his petition to add the claim.

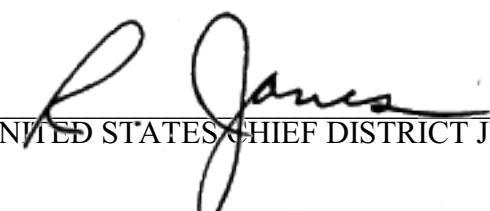
1 **IT IS THEREFORE ORDERED** that the Clerk shall **FILE and**
2 **ELECTRONICALLY SERVE** the petition (ECF No. 1-1) upon the respondents.

3 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the Motion for
4 Appointment of Counsel (ECF No. 1-2) which is **DENIED**.

5 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
6 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other
7 response, respondents shall address any claims presented by petitioner in his petition as well as any
8 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
9 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
10 procedural default. **Successive motions to dismiss will not be entertained**. If an answer is filed,
11 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
12 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
13 **five (45) days** from the date of service of the answer to file a reply.

14 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
15 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
16 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
17 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
18 General. The Court may disregard any paper that does not include a certificate of service. After
19 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney
20 General assigned to the case.

21 DATED this 5th day of July, 2011.

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23 UNITED STATES CHIEF DISTRICT JUDGE
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